

JUDGMENT

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UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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NO. 01-35508  
CT/AG#: CV-99-00327-JE

CARMICHELL BELL

Plaintiff - Appellee

v.

CLACKAMAS COUNTY, a political subdivision of the State of Oregon; CLACKAMAS COUNTY SHERIFF; JEFF DAVIS, Deputy; ROXANNE CADOTTE; ALLEN ALDERMAN, Sergeant; JULI FITZWATER; JEFF HUVA, Deputy; JEFF GRAHN, Deputy; MICHAEL MACHADO, Lieutenant; PAT DETLOFF, Deputy

Defendants - Appellants

NO. 01-35545  
CT/AG#: CVv-99-00327-JE

CARMICHELL BELL

Plaintiff - Appellant

v.

CLACKAMAS COUNTY, a political subdivision of the State of Oregon; CLACKAMAS COUNTY SHERIFF; JEFF DAVIS, Deputy; ROXANNE CADOTTE; ALLEN ALDERMAN, Sergeant; JULI FITZWATER; JEFF HUVA, Deputy; JEFF GRAHN, Deputy; MICHAEL MACHADO, Lieutenant; PAT DETLOFF, Deputy

Defendants - Appellees

NO. 01-35790  
CT/AG#: CV-99-00327-JE

CARMICHELL BELL

Plaintiff - Appellee

v.

CLACKAMAS COUNTY, a political subdivision of the State of Oregon; JEFF DAVIS, Deputy; ROXANNE CADOTTE; ALLEN ALDERMAN, Sergeant; JULI FITZWATER; JEFF HUVA, Deputy; JEFF GRAHN, Deputy; MICHAEL MACHADO, Lieutenant

Defendants - Appellants

and

PAT DETLOFF, Deputy

Defendant

NO. 01-35854  
CT/AG#: CV-99-00327-JE

CARMICHELL BELL

Plaintiff - Appellant

v.

CLACKAMAS COUNTY, a political subdivision of the State of Oregon; CLACKAMAS COUNTY SHERIFF; JEFF DAVIS, Deputy; ROXANNE CADOTTE, Deputy; ALLEN ALDERMAN, Sergeant; JULI FITZWATER, Deputy; JEFF HUVA, Deputy; JEFF GRAHN, Deputy; MICHAEL MACHADO, Lieutenant; PAT DETLOFF, Deputy

Defendants - Appellees

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APPEAL FROM the United States District Court for the

District of Oregon (Portland) .

THIS CAUSE came on to be heard on the Transcript of the Record from the United States District Court for the District of Oregon (Portland) and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court, that the judgment of the said District Court in this cause be, and hereby is AFFIRMED in part, REVERSED and REMANDED in part.

**COSTS TAXED**

Filed and entered	August 20, 2003
Amended	August 29, 2003

A TRUE COPY  
ATTEST

CATHY CATTERSON  
Clerk of Court

by: Ruben Talavera  
Deputy Clerk

This certification does constitute the  
mandate of the court.

FILED 03 SEP 25 10:51 USDC-ORP

FILED 03 SEP 25 10

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT  
BILL OF COSTS

NOTE: If you wish to file a bill of costs, it MUST be submitted on this form and filed, with the clerk, with proof of service, within 14 days of the date of entry of judgment, and in accordance with Circuit Rule 39-1. A late bill of costs must be accompanied by a motion showing good cause. Please refer to FRAP 39, 28 U.S.C. § 1920, and Circuit Rule 39-1 when preparing your bill of costs.

Carmichael Bell v. Clackamas County et al

CA No. 01-35545  
01-35790  
01-35854

The Clerk is requested to tax the following costs against:

COST TAXABLE UNDER FRAP 39, 28 U.S.C. § 1920, Circuit Rule 39-1	REQUESTED Each column must be completed.				ALLOWED To be completed by the Clerk.			
	No. Of Documents*	Pages per Document	Cost per Page**	Total Cost	No. Of Documents	Pages for Document	Cost for Page	Total Cost
Excerpt of Record	7	73	.126	64.39				64.39
Appellant's Brief								
Appellee's Brief	20	96	.137	263.04				263.04
Appellant's Reply Brief	20	27	.164	88.56				88.56
Other Filing Fee for Cross Appeal				<del>105.00</del>	NOT	ALLOWED	CR 39-112	
TOTAL: \$ <u>520.99</u>					TOTAL: \$ <u>415.99</u>			

Other: Any other requests must be accompanied by a statement explaining why the item(s) should be taxed pursuant to Circuit Rule 39-1. Additional items without such supporting statements will not be considered.

Attorneys' fees cannot be requested on this form.

\* If more than 7 excerpts or 20 briefs are requested, a statement explaining the excess number must be submitted.  
\*\* Costs per page may not exceed 20¢ or actual cost, whichever is less. Circuit Rule 39-1.

I, Helen T. Dziuba, swear under penalty of perjury that the services for which costs are taxed were actually and necessarily performed, and that the requested costs were actually expended as listed. The printer's itemized statement showing actual costs per page is attached.

Signature: Helen T. Dziuba

Date: 9/2/2003

Name of Counsel (printed or typed) Helen T. Dziuba

Attorney for: Plaintiff

Date: 9-22-03

Costs are taxed in the amount of \$ 415.99

Clerk of Court

By: Ruben Talavera, Deputy Clerk

S:\Forma\APPC\TBILL\_OF\_COST\_FRM.WPD

FOR Official Use Only

A TRUE COPY  
ATTEST

CATHY CATTERSON  
Clerk of Court

by: Ruben Talavera  
Deputy Clerk

This certification does constitute the  
mandate of the court.

COPY

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

SEP - 3 2003

FILED  
REV 11

**Stevens-Ness**

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**Invoice**

Invoice Number:

E2468

Invoice Date:

Apr 8, 2002

Page:

1

**Sold To:**

HELEN T DZIUBA

765 A AVENUE

LAKE OSWEGO, OR 97034

Customer ID: DZIHLE

Job Number	Payment Terms	Ship Date	Sales Rep ID
10360-10359	Net 1st of Next Month	4/8/02	RET-1

Quantity	Item	Description	Amount
9	BRIEF PRINTING	APPELLEE'S SUPPLEMENTAL EXCERPT OF RECORD 71 PP + COVER CARMICHELL BELL V CLACKAMAS COUNTY et al 12.6¢/pg	80.70
26	BRIEF PRINTING	APPELLEE'S ANSWERING & CROSS APPELLANT'S BRIEF 96 PP + COVERS CARMICHELL BELL V CLACKAMAS COUNTY et al 13.7¢/pg	342.55
1	POSTAGE		95.52

TOTAL 518.77

PLEASE RETAIN THIS INVOICE TO CHECK YOUR STATEMENT AS WE DO NOT ITEMIZE AGAIN.

EXAMINE SHIPMENT PROMPTLY AND NOTIFY US WITHIN 10 DAYS OF ANY  
SHORTAGE, DAMAGE OR INCORRECT DELIVERY.

EIN 93-1258407

POSTED  
APR 08 2002

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503-223-3137 503-294-6008 fax www.stevensness.com

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Date Invoice #

06/06/02 21796-0

Sales Dept.: 999 Route #: SHIP

Salesperson: 142 Page #: 1

P.O. #: 10391

Customer # 10420 Ship to Address

HELEN T DZIUBA

HELEN T DZIUBA

765 A AVENUE  
LAKE OSWEGO

OR 97034

765 A AVENUE  
LAKE OSWEGO

OR 97034

Item #	Description	Order Qty	Ship Qty	Unit Price	Disc %	Net Price	Total Price
BRIEF	LAW BRIEF	25	25	.000		4.260	106.50
	CROSS APPELLANT'S REPLY BRIEF 26 PP + COVER						
	BELL						
	V						
	CLACKAMAS COUNTY						
FREIGHT	SN FREIGHT CHARGES	1	1	.000 EA		24.140	24.14

16.4 ¢ / pg

THANK YOU-PLEASE PAY FROM THIS INVOICE

SUB-TOTAL 130.64

TOTAL 130.64

Terms: Net due 1st of month following date of purchase. Delinquent after 15th. Interest charged on past due accounts.

Returns: All returns must be sent back in resalable condition within 30 days of purchase. Special order items not subject to return.

Please pay from this invoice, as we do not itemize again.

EIN 93-1258407

Examine shipment promptly and notify us within 10 days of any shortage, damage or incorrect delivery.

**Proof of Service**

I hereby certify that I served the foregoing:

**PLAINTIFF – CROSS-APPELLANT CARMICHELL BELL'S BILL OF COSTS**

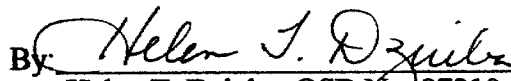
on the attorneys for defendants on **September 2, 2003** by mailing an accurate copy, by first class mail, postage prepaid addressed as follows:

Bradley F. Tellam  
Barran, Liebman, LLP  
Suite 2300  
601 SW Second Avenue  
Portland, OR 97204

Edward S. McGlone III  
Clackamas County Counsel  
906 Main Street  
Oregon City, OR 97045

Dated: SEPTEMBER 2, 2003

LAW OFFICE OF HELEN T. DZIUBA

By:   
Helen T. Dziuba, OSB No. 87210  
765 A Avenue  
Lake Oswego, OR 97034  
503-534-5020